

Appl. No. 09/884,310
Atty. Docket No. CM2364
Amtd. dated 10/15/2003
Reply to Office Action of 7/16/03
Customer number 27752

REMARKS/ARGUMENTS

Claims 1, 2, 5, 6 and 8 are now in the case. Claim 1 has been amended to recite: the hydrogen peroxide (page 9, l. 25); the AS or AES surfactant (page 10); the organic solvent (page 11, first paragraph) and water (page 11, second paragraph). Claim 1 has also been amended to recite the fibre-tip nib (basis at page 37, l. 25). Claim 5 has been amended to specify the solvent as BPP (basis at page 8, l. 18). Claim 6 has been amended to specify that the fabric is contacted with the nib of the applicator (basis at page 37, l. 16-page 38, l. 30). Claim 8 specifies that such contact comprises rubbing (basis at page 40, l. 10). These amendments add no new matter, and entry is requested.

Rejections Under 35 USC 103

Claims 1-11 stand rejected under §103 over U.S. 5,872,090, in view of U.S. 4,900,468, for reasons of record at pages 2-3 of the Office Action.

Applicants respectfully traverse the rejections on this basis, to the extent they may apply to the claims as amended herein.

At the outset, it is submitted that '090 is directed to stain removal devices which operate with a minimum of friction. In point of fact, when '090 employs an applicator having multiple protuberances (Col. 11, l. 10-55), the whole thrust of '090 is to the effect that the rubbing (frictional) use of the applicator is preferably avoided. See '090, Col. 5, l. 9; Col. 9, l. 44; Col. 10, l. 2. Accordingly, it is submitted that nothing in '090 teaches the use of fibrous nibs in the manner of the present invention.

With regard to the comment at page 3 of the Office Action relative to the "desk blotter" of '090, it is respectfully submitted that the Examiner has misapprehended the teachings therein. The Examiner takes the position that '090 would inherently teach a low friction applicator. Instead, the '090 disclosure (Col. 9, l. 34-45) merely discloses an arcuate device and analogizes its arcuate configuration to an, "...old-fashioned, flat-sided arcuate blotting instrument, but with multiple protrusions...." (Emphasis supplied) The passage goes on to disclose hold that the arcuate configuration dissuades the user from disadvantageously employing a side-to-side rubbing motion when using the device. (Col. 9, l. 42-45)

At column 37 of '090 the distal tip of the applicator spout is used to work the cleaning composition into the soiled spot. However, nothing therein suggest the use of a fibrous nib. Indeed,

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the description of the distal tip of the applicator (Col. 38, l. 13-30) makes it clear that the tip is a dispensing spout, rather than a fibrous nib.

In short, '090 teaches that when the applicator disclosed therein comprises multiple protuberances, which may be fibrous, great care is taken to avoid friction. In sharp contrast the present invention employs rubbing to, "...help in the mechanical removal of stains." See p. 40, l. 10.

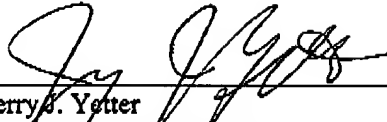
It is further submitted that the '468 document adds nothing to '090 or '158, whether read singly or in combination. Nothing in '468 teaches or suggest an applicator device comprising a nib in combination with a composition of the present type. Moreover, it is submitted that nothing in '468 teaches or suggests the compositions herein. While a wide variety of nonionic surfactants useful in the compositions are disclosed at Col. 5, l. 32-50, nothing therein suggests the anionic AS or AES surfactants of the present invention. Indeed, '468 rather extensively discusses the problems/mechanisms of peroxide decomposition, and the stabilization effect of the disclosed compositions. See Col. 3, l. 49 – Col. 5, l. 4. The patentees state, "The reasons for the stabilization effect is not fully understood." (Col. 3, l. 54) Accordingly, it is submitted there is no suggestion that AS or AES surfactants of the present compositions could, or should, be substituted for the disclosed nonionics with any expectation of achieving the desired peroxide stability. The teaching or suggestion to make the claimed composition and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. *In re Vaack*, 947 F. 2d 448 U.S.P.Q. 2d 1438 (Fed. Cir. 1991)

In view of the amendments to the claims and the discussion herein, it is submitted that all rejections under §103 should be reconsidered and withdrawn. Early and favorable action in the case is respectfully requested.

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Respectfully submitted,
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